

Drawings

1. Two replacement drawing sheets for Figures 1 and 2 were received on April 13, 2009. These two replacement drawing sheets are acceptable.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jeremy A. Schweigert, Attorney for Applicant, on June 2, 2009.

3. The claims have been amended as follows:

In **claim 1**, line 8, the word --member-- has been inserted between the word "closure" and the word "moveable";

In **claim 1**, line 10, the word --member-- has been inserted between the word "closure" and the word "closes";

In **claim 1**, line 19, the phrase --by the closure member-- has been inserted immediately after the word "prevented";

In **claim 1**, bridging lines 22 and 23, the word --member-- has been inserted between the word "closure" and the word "being";

In **claim 1**, line 23, the word --member-- has been inserted between the word "closure" and the word "air";

In **claim 1**, line 23, a comma has been inserted immediately after the newly added word “member”;

In **claim 1**, line 25, the word --member-- has been inserted between the word “closure” and the period;

In **claim 6**, line 3, the word --member-- has been inserted between the word “closure” and the period;

In **claim 7**, line 2, the word --member-- has been inserted between the word “closure” and the word “rotates”;

In **claim 8**, line 2, the word --member-- has been inserted between the word “closure” and the word “are”.

REASONS FOR ALLOWANCE

4. The following is an examiner’s statement of reasons for allowance:

The prior art references, neither alone or in combination, disclose, teach or suggest an air circulation and ventilation unit having the combination of elements recited in independent claim 1 (as amended above).

Specifically, with respect to amended claim 1, the closest prior art is considered to be that of UK Patent Application No. GB 2 262 190 A (“GB ‘190”) and Irmer (US 2003/0011988 A1). While the combined teachings of the GB ‘190 reference and Irmer may disclose some of the claimed limitations, claim 1 is clearly patentable over these references, whether considered individually or in combination, because these references fail to disclose, teach, or suggest at least the following claimed elements: “a closure member moveable between an open position and a closed position, wherein in the closed position the closure member closes the housing

vent...which (a) enables air recirculation in which air is permitted to recirculate between the interior of the housing and the interior of the cabinet by flowing from the interior of the cabinet into the interior of the housing *through one of the vents in the ceiling of the cabinet*, then *through the other of the vents in the ceiling of the cabinet* from the interior of the housing into the interior of the cabinet, and (b) wherein in the open position air is permitted to flow through the housing vent between the inside of the housing and the outside of the housing and *in which said recirculation is substantially prevented by the closure member* (emphasis added)". Moreover, one of ordinary skill in the art would have no reasonable motivation for modifying the GB '190 reference or the Irmer reference so as to overcome the deficiencies recited above. For example, one of ordinary skill in the art would have absolutely no motivation to redesign the electrical apparatus enclosure (2) of GB '190 by providing recirculation airflow from the interior (equipment airflow chamber circumscribed by inner casing 6) of the enclosure (2) into the space between the inner and outer casings (6, 4) through one of the outlet openings (20) in the top inner casing (6), then through the other of the outlet openings (20) in the top inner casing (6) from the space between the inner and outer casings (6, 4), and then back into the interior of the enclosure (2). Refer to GB '190, Figures 1-2. In fact, this type of modification to the electrical apparatus enclosure (2) in GB '190 would completely destroy its intended functionality. As clearly shown in Figure 1 of GB '190, the outlet openings (20) in the top inner casing (6) enable air to be discharged from the airflow chamber circumscribed by inner casing (6) and, into the space between the inner and outer casings (6, 4), then back into the inner airflow chamber via air inlet openings (18) in the sidewalls of the inner casing (6). The sidewall air inlet openings (18) are provided with two fans (16) for achieving this air circulation pattern. See GB '190, Figure 1.

Also, because of this configuration in GB '190, the airflow chamber circumscribed by the inner casing (6) is positively pressurized. Thus, in light of this particular air circulation system design, it would make absolutely no sense to provide recirculated airflow between the two outlet openings (20) in the top inner casing (6). Such a modification would not only constitute impermissible hindsight, it would also be completely contrary to the overall design intent of the electrical apparatus enclosure (2) in the GB '190 reference. Therefore, because the closest prior art fails to disclose, teach, or suggest numerous limitations set forth in claim 1, and there is no reasonable motivation for one of ordinary skill in the art to modify the closest prior art references (GB '190 and Irmer) in such a way so as to cure these deficiencies, independent claim 1 of this application is clearly patentable over the prior art.

In regard to dependent claims 2-12, these claims are allowable as being dependent, either directly or indirectly, upon allowable independent claim 1.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick F. O'Reilly III whose telephone number is (571) 272-3424. The examiner can normally be reached on Monday through Friday, 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven B. McAllister can be reached on (571) 272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick F. O'Reilly III/
Examiner, Art Unit 3749

/Steven B. McAllister/
Supervisory Patent Examiner, Art Unit 3749